

Tokunori KIMURA
Serial No. 10/596,052
October 10, 2011

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The allowance of claims 1-14, 16-18, 20-21, 24-27, 42 and 45 is appreciatively noted.

Examiner Zarka is thanked for a helpful interview with the undersigned on October 7, 2011, wherein it was agreed that the above amendments would make this entire application allowable – thus avoiding the need to file a notice of appeal to ensure continued pendency beyond the unextendable six-month deadline (of October 12, 2011) for response to a final office action. A summary of the interview is included in the following remarks.

Dependent claims 22 and 23 have been amended so as to correctly state their intended dependency, thus mooting the rejection of these claims under 35 U.S.C. §112, 2nd paragraph.

Claim 41 has been amended in a manner parallel to allowed claim 42 so as to moot the outstanding rejection of claim 41 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter.

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Claims 37 and 38 have been amended so as to follow the Examiner's suggestion and tie a particular machine (e.g., a "computer processor") to the claimed method. In this particular situation, claims 37 and 38 have also been amended so as to require use of a magnetic resonance imaging system having at least one programmed computer processor connected to execute program code which, when executed, effects the recited method steps. Accordingly, these claims are clearly not directed merely to a "concept", but instead impose meaningful limits that require a particularly configured machine to perform a particularly recited modus operandi. In addition, it is respectfully noted that practice of the recited method inherently must transform underlying subject matter to a different state or thing (e.g., a programmed computer processor executing program code inherently changes the state of physical components there-within at each clock cycle of the computer). Accordingly, the rejection of claims 37 and 38 under 35 U.S.C. §101 as allegedly directed to non-statutory categories of invention is also believed to have been mooted.

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The rejection of claims 28 and 29 under 35 U.S.C. §103 as allegedly being made "obvious" based on Takizawa JP '507 in view of Edelstein is respectfully traversed. However, since these claims have been cancelled without prejudice or disclaimer above so as to simplify issues and put this entire application in immediately allowed condition, this ground of rejection has now been mooted and further discussion at this time is not required.


If, for any reason, the Examiner finds this application not to now be in fully allowable condition, it is respectfully requested that the Examiner telephone the undersigned for prompt resolution.

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Accordingly, this entire application is now believed to have been placed in fully allowable form, and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Larry S. Nixon
Reg. No. 25,640

LSN:lef

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100